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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
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13 FRANK BRAMANTE, et al.,

14 Plaintiffs,

15 v.

16 JAMES T. MICELI, et al.,

17 Defendants.
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CASE NO: 07-CV-0481 W (NLS)

**ORDER (1) GRANTING JOINT
MOTION TO STAY CASE AND (2)
DENYING WITHOUT PREJUDICE
MOTION TO DISMISS**

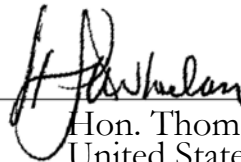
19 Pending before the Court is a joint motion to stay the proceedings through July
20 14, 2008. According to the motion, Bramante v. McClain, et al., 06-CA-0010 OLG-
21 NSN, currently pending in the United States District Court for the Western District of
22 Texas (the "Texas Litigation"), involves issues that are largely duplicative of the issues
23 in this case. The parties assert that a final adjudication of the Texas Litigation would
24 likely resolve many of the issues currently before the Court, and thus the parties
25 contend that a stay is necessary to prevent the re-litigation of common issues.

26 Based on the foregoing, the Court **GRANTS** the motion [Doc. No. 55], and
27 **ORDERS** a **STAY** of this matter through July 14, 2008. In light of the stay and the
28 parties' representation that issues currently before this Court may be resolved by a final

1 adjudication of the Texas Litigation, the Court further **DENIES WITHOUT**
2 **PREJUDICE** Plaintiffs' motion to dismiss the counter-claims [Doc. No. 46].¹

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5 **IT IS SO ORDERED.**

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8 DATED: January 17, 2008

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11 Hon. Thomas J. Whelan
12 United States District Judge
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28 ¹If Plaintiffs' decide to refile the motion after the stay expires, Plaintiffs' counsel must contact the Court's law clerk for a hearing date.